

CITIZENS ADVISORY COUNCIL

Region 7 – Miles City

Meeting Notes

October 18, 2006

Attendance: Bryce Christensen, Mike Moore, Dwayne Andrews, Ginger Omland, John Ensign, John Little, Brad Schmitz, Erin O'Connor, Jack Austin, Warren Broeder, Chris Pileski, Julie Jordan, Arthur Hayes III, John Wilkinson, Greg Mohr, Rob Reukauf, and Larry Woolston.

Also attending were Jeff Hagener (FWP Director), Joe Maurier (Parks Administrator), Bob Lane (Chief Legal Counsel), Reg Peterson (Administrative Assistant), Ron Aasheim (Con Ed), Hank Worsch (License Bureau Chief), Don Childress (Wildlife Administrator), Jim Kropp (Chief of Law Enforcement), Chris Smith (Chief of Staff), Chris Hunter (Fisheries Administrator), Glenn Erickson (Field Services Administrator), and John Brenden (FWP Commissioner).

Legislators attending were Lane Larson, Bill McChesney, David Anderson, Jae Notti, Duane Ankney, and Carol Lambert.

Absent were Mary Zeiss Stange, Todd Steadman, Mark Forman, and Jim Schaefer.

Bryce Christensen, Region 7 Supervisor, began the meeting with introductions. He gave a brief overview of the purpose of the Citizens Advisory Council (CAC) for the legislators. He said that with everyone having busier schedules and the average age of hunters being middle aged, we now have a challenge of communicating with the general public and with the general public communicating with us and noted that the Citizen's Advisory Council was developed to help that problem. The purpose of tonight's meeting was to bring together the current CAC members and the legislators, candidates, and Helena staff. He commended the Citizen's Advisory Council members for the distances they travel to get to the meetings. Bryce then introduced Jeff Hagener, Director of Fish, Wildlife, & Parks.

Jeff Hagener, FWP Director, said he has been very encouraged with the Citizens Advisory Councils throughout the entire state. He said they have been very productive. Commissioners would like to get a broader aspect of how the public feels out there. He said that by inviting candidates and legislators to CAC meetings, the candidates can hear from the public what the issues are.

Budgets:

Jeff said that everyone has an interest in fish and wildlife. He spoke of how FWP bills take a lot more time in legislative sessions because everyone is interested in the resources we have in the state and how we manage them. As a result of that, all of FWP budget and legislation is very closely scrutinized. Revenues are from federal funding or license fees. We do not get any general fund dollars. This time for the first time in many sessions, we are asking for some general fund dollars in a couple of programs. Sometimes, legislators have the misconception that FWP has a lot of money in their fund balances when in reality those funds are all in earmarked accounts. With several of those accounts, FWP can only spend the interest and none of the money can be spent at all until the legislature approves it. Additionally, FWP operates with that money. For example, when there is a pay plan increase, it comes out of FWP revenues. In general fund agencies, the legislature funds those agencies with additional money to pay that pay plan where with FWP, it comes out of FWP funds which results in FWP asking for fee increases to sustain the revenues.

Jeff gave a handout showing a breakdown of budgets by divisions and funding sources. FWP budget is broken into two primary categories.

1. **Operations** - which is day-to-day management. He then explained what each division does. Jeff went on to give the breakdown of the funding sources. In the current budget, FWP has no general fund. The State Wildlife Grants Program, which is a federal program where we get money from the federal government with the primary purpose being for non-game species of which we need to have matching funds from the state side. Typically, all of our programs have been funded by hunting and fishing dollars. The general fund is the revenue of sales from hunting and fishing licenses. We probably have the most earmarked programs. He gave a brief rundown of other state sources of income from various programs.

2. **Capital** is considered one-time expenditures, which go to programs for capital expenditures such as acquisition of property, conservation easements, and irrigation projects.

Legislative:

Jeff distributed a handout for proposed legislation in this session. These bills have been approved by the Office of Budget and Program planning, which is part of the Governor's office, and approval by the Environmental Quality Council to proceed with those bills to be drafted. They are as follows:

1. To make the Future Fisheries program permanent.

2. To remove the sunset on Prairie Dog Management.
3. Remove the sunset from the Instream Leasing Authority and allow the transfer of water to instream flow.
4. Expand the Super-tag to include antelope, bison and lion.
5. Revise funding of the Ft. Peck Hatchery operations.
6. Revise Boating Under the Influence laws.
7. Require Trapper Safety and Education course.
8. Revise FWP's outdated publication requirement for hunting and fishing regulations.
9. Increase Commission authority to set reduced license prices for game management purposes.
10. Repeal the outdated Montana Conservation Corps Statutes.
11. Provide enforcement authority for Minors in Possession of Intoxicating Substance on FWP lands. **

****PLEASE NOTE: Administration will not put forward the MIP of Intoxicating Substances on FWP lands bill for wardens.**

He also mentioned a few other bills that are being carried by other parties which FWP is involved with as follows:

1. Outfitting – service providers who are providing a service to people that come hunting or fishing in Montana but who are not licensed outfitters. We think it appropriate that they should be charged as a felony.
2. Bridge Access - It is appropriate and legal for fencing to be within the right-of-way and that fencing should be to control livestock, not to prohibit public access. Counties will have to make sure it is safe.
3. Harboring Act – people have purchased large tracts of land which have become mini refuges. Those lands are harboring large game populations which FWP has no ability to disperse to hunters. This is a property rights issue and also to the neighbor.

Jeff mentioned that the Governor proposed adding to FWP's capital budget a 15 million dollar appropriation for the acquisition of more park sites, more FAS, public access for hunting as well as shooting ranges. That would be general fund dollars. Joe Maurier, Parks Administrator, is already receiving several requests for parks and fishing access

sites. The other proposal that is part of that is a free fishing license for youth under 15 and seniors over 62. General fund dollars would pay for that.

Jeff asked if there were any questions or comments.

John Wilkinson stated he was on PLPW and thought FWP could lease some public hunting and public fishing for more access. He thought that cow elk tags should be given away or prices lowered.

Jeff responded that it is not the number of tags being sold but the number of elk being harvested.

John spoke of the harboring act and agreed that it was a tough situation but advised us to proceed cautiously.

Duane Ankney asked why not use game damage for control.

Jeff responded that a person asking for assistance for game damage has to allow public hunting.

John Wilkinson said fires took care of part of the harboring situation in some areas.

Carol Lambert asked if there were licenses that might sell at reduced price, would it be a special season to use those?

Jeff answered that it would all be in a game damage situation, a special season.

Carol asked what the problem is with raising other species at the fish hatchery.

Lane Larson replied that cold-water fishing organizations were against any cold-water funds being applied towards the Ft. Peck Hatchery. So the “warm water guys” said they did not want to see any cold-water species raised in the hatchery. Lake trout is another group that has gotten involved and want lake trout raised there.

Rob Reukauf said that Citizen’s Advisory Council, in Region 7, composed a resolution saying that they would want the hatchery at Ft. Peck to raise trout and walleye at the most efficient time of the year and to make a fish stamp that is good for warm or cold season species.

John Brenden said the commission voted 15 years ago that there would never be any whitefish planted west of Montana which produced the same sort of battle. He thought there needed to be a balance and maintained that all the hatcheries should be funded the same way.

Carol asked Jeff about buying more access sites and if it would require more people to manage and maintain these sites.

Jeff replied that it was an issue but with the license plates revenue, we can add more people and take care of some of the backlog. He said that we need to be able to operate and maintain whatever we purchase.

Joe Maurier commented that people want more access and that FWP can only manage and maintain those sites so many hours per day. However, if FWP does not buy more access now, it may be out of reach because of escalating land prices. The FAS program today is divided between acquisition and operations and maintenance.

Carol asked that if money is allowed to purchase sites, how could you not ask for more money to maintain these sites.

Joe replied that with the FAS program, he thought they could shift some funds from acquisition to O & M but that on the parks side they would need to eventually ask for more money.

David Anderson commented on the stream access law and asked Jeff to define high water mark and if there are problems with landowners, why don't we say we won't tax them on that area. Jeff directed the question to Bob Lane.

Bob Lane, Chief Legal Counsel for FWP, said the stream access law allows the public to use the water for recreational activities below the high water mark.

There was some discussion regarding the proposed MIP on FWP land bill which was later decided, by the Governor's Office, to not be put forward.

Bryce asked if there were any other questions and offered a chance for the legislators to speak.

Representative Carol Lambert, of District 39, has served two terms and would like for everyone to inform her of any concerns they might have.

Senator Lane Larson enjoys coming to the meetings and listening to general public.

Duane Ankney, competing for House District 43, is a Republican candidate from Colstrip. He covers part of Custer County, 75% Rosebud, Yellowstone, and Treasure counties.

David Anderson, of the constitution party, is originally from Pennsylvania and has been a resident of Montana for six years.

Bill McChesney is a Democratic candidate for House District 40, which basically is Miles City. He was born in Missoula and raised on a ranch in Phillipsburg. He has lived in Miles City for the past 15 years and was District Administrator with MDOT in Miles City for 7 years. He said that he had picked up a great deal of valuable information from

the CAC meeting and that land access, stream access, hunting and fishing privileges are big issues in Eastern Montana. He believes that economic growth is important to this area and that the dollars brought into this area by hunting and fishing are very important to our economic future.

Jae Notti, candidate for House District 41, which takes in the Cheyenne Reservation, part of the Crow Reservation, said all of the issues are very important to him and to Montana.

John Brenden, FWP Commissioner, said that he appreciated everyone doing what they do and welcomed everyone to attend the commissioners meeting at Ft. Keogh. One of the issues would be Choose Your Weapon. He believes that FWP has a very delicate balance to hold as far as access and private property rights. He believes that we need to keep the hunting population inspired with young people. We need to have people recreating, we need to have them with access and to understand private property rights, all of which is an educational process. John complimented Bryce and Jeff for the job they are doing.

An agenda for the FWP Commission meeting to be held at Ft. Keogh Thursday, October 19th, was handed out.

Bryce then asked for comments from the public.

Jeff Rodenbaugh was concerned regarding the issue of Choose your Weapon. He is very much opposed to anything regarding choosing a weapon. It restricts and takes the opportunities away.

Dwayne Andrews will send an e-mail to the members informing them of the next meeting date for the Citizen's Advisory Council.

Bryce Christensen, Region 7 Supervisor, adjourned the meeting at 9:00 p.m.